

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JO TANKERS AS,

Interpleader-Plaintiff,

v.

**BERGEN BUNKERS, AS,
NUSTAR ENERGY SERVICES, INC.,
O.W. BUNKER USA, INC., and
ING BANK,**

Interpleader-Defendants.

§ Civil Action No. 4:14-CV-03310

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§ Filed under Rule 9(h) Fed. R. Civ. P.

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§ (ADMIRALTY)

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PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to this Court's Scheduling Order and related orders, the agreement of the parties, in response to any and all discovery propounded to it, and in supplement to its Rule 26 Initial Disclosures, Interpleader-Defendant-Claimant NuStar Energy Services, Inc. ("NuStar") provides its Designation of Expert Witnesses. NuStar may call the following individuals by deposition or live at trial to give expert testimony in this matter:

I.

NuStar designates the following experts who have been specially retained for litigation purposes by NuStar and may be called as expert witnesses to give testimony in the form of opinions based on their respective education, training, experience and review of the evidence in this matter:

1. Professor Martin Davies
Admiralty Law Institute Professor of Maritime Law
Director, Tulane Maritime Law Center
Tulane University Law School
6329 Freret Street
New Orleans, Louisiana 70118
(504) 862-8824

Professor Davies is the Admiralty Law Institute Professor of Maritime Law at Tulane University Law School in New Orleans and Director of the Tulane Maritime Law Center and is an expert in U.S. maritime law. Professor Davies' opinions in this matter, as well as the bases for same, are set forth in his expert report which is being produced contemporaneously herewith to counsel for all parties, along with his C.V. and case list. Professor Davies' hourly rate for his services in this matter is \$400.

2. Keith B. Letourneau
Blank Rome LLP
717 Texas Ave., Suite 1400
Houston, TX 77002

Mr. Letourneau is lead counsel for NuStar and possess information regarding the quantum and reasonableness of NuStar's attorney's fees incurred and claimed, if any, as well as the reasonableness of attorney's fees incurred and claimed by any other party, if any, and may offer testimony regarding the foregoing. A copy of Mr. Letourneau's C.V. is being produced contemporaneously herewith to counsel for all parties.

II.

NuStar expresses its intention to possibly call, as witnesses associated with an adverse party, any expert timely designated and properly disclosed by Interpleader-Plaintiff Jo Tankers AS, the disponent owner and commercial operator of the M/T JO ILEX ("Interpleader-Plaintiff"), Bergen Bunkers AS, O.W. Bunker USA, Inc., ING Bank N.V., or any other party. Further, NuStar expressly reserves the right to elicit, by way of cross-examination, opinion testimony from any expert timely and properly designated and called by Interpleader-Plaintiff, O.W. Bunker USA, Inc., ING Bank N.V., or any other party. In so stating, NuStar is not stipulating to the expertise and/or qualifications of any such individual and does not hereby adopt, agree to and/or incorporate any adverse opinion expressed by any of these individuals.

III.

Individuals and/or entities identified below have been/are being identified as potential fact witnesses herein. These individuals have not been specially retained by NuStar and NuStar is not stipulating to the expertise and/or qualifications of any such individual and does not hereby adopt,

agree to and/or incorporate any adverse opinion expressed by any of these individuals. NuStar reserves the right to call on any of the individuals identified below as experts to give evidence in the form of opinions within the scope of their expertise:

1. Paul Davis
John Andrew Downs
Jason Welch
Zack Stansbury
Jade Irvine
Michael Thompson
Jacob Sanchez
NuStar Energy Services, Inc.
c/o Keith B. Letourneau
Blank Rome LLP
717 Texas Ave., Suite 1400
Houston, TX 77002

Each of the foregoing persons is an employee of NuStar GP, LLC, which is an affiliate of and provides services to NuStar Energy Services, Inc., and possesses information relating to NuStar's business operations, including, but not limited to, the ordering, supply and delivery of bunkers to the vessel at issue. Paul Davis, John Andrew Downs, Zack Stansbury and Jade Irvine also possess information relating to the price of the bunkers, the reasonableness of same, and may also possess information relating to the margins earned by traders with whom NuStar contracts, such as O.W. Bunker. All of these individuals may offer testimony regarding the foregoing topics, and NuStar also refers to the declaration of Jason Welch included with NuStar's Answer and Verified Claim [Clerk's Document 6].

2. Chris Rulon
Managing Counsel
NuStar Energy L.P.
19003 IH-10 West
San Antonio, TX 78257
(210) 918-2048

Mr. Rulon possess information regarding the quantum and reasonableness of NuStar's attorney's fees incurred and claimed, if any, and may offer testimony regarding same.

IV.

NuStar reserves the right to supplement this designation with additional designations of experts within the time limits imposed by the Court or any alterations of same by subsequent Court

Order or agreement of the parties, or pursuant to the Federal Rules of Civil Procedure.

V.

NuStar reserves the right to call undesignated rebuttal expert witnesses whose expert testimony cannot be reasonably foreseen until the presentation of the evidence.

VI.

NuStar reserves the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to redesignate same as a consulting expert, who cannot be called by opposing counsel.

VII.

NuStar reserves the right to elicit any expert opinion or lay opinion testimony at the time of trial which would be truthful, which would be of benefit to the Court to determine material issues of fact, and which would violate any existing Court Order or the Federal Rules of Civil Procedure.

VIII.

NuStar hereby designates, as adverse parties, potentially adverse parties, and/or as witnesses associated with adverse parties, all parties to this suit and all experts designated by any party to this suit, even if the designating party is not a party to the suit at the time of trial. In the event a present or future party designates an expert but then is dismissed for any reason from the suit or fails to call any designated expert, NuStar reserves the right to designate and/or call any such party or any such experts previously designated by any party.

IX.

NuStar reserves whatever additional rights it may have with regard to experts, pursuant to Federal Rules of Civil Procedure, the case law construing same, and the rulings of the Court.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing instrument was served pursuant to Rule 5 of the Federal Rules of Civil procedure on all counsel of record on this 1st day of September, 2015, as follows:

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